8814196/2024/VIG-II-AGC01

OVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Servants – Cooperation Department – Departmental Proceedings against Sri T. Madhu, Assistant Registrar(U/s), O/o Sub-Divisional Cooperative Officer, Srikalahati on deputation in O/o District Cooperative Audit Officer, Tirupati on allegation of corruption under Rule 20 of A.P.C.S. (CC&A) Rules, 1991 – Articles of Charges – Issued.

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AGRICULTURE AND CO-OPERATION(VIG-II) DEPARTMENT

G.O.Rt.No.326 **Dated:25.04.2024**

Read the following:-

1. Letter No.8/RCT-TCT/2023, dated:24.05.2023 of the Director General, ACB, A.P., Vijayawada.
2. Letter No.8/RCT-TCT/2023, dated:18.01.2024 of the Director General, ACB, A.P., Vijayawada.
3. Letter No.8/RCT-TCT/2023, dated:10.04.2024 of the Director General, ACB, A.P., Vijayawada.

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O R D E R:

It is proposed to hold an inquiry against Sri T. Madhu, Assistant Registrar(U/s), O/o Sub-Divisional Cooperative Officer, Srikalahasti on deputation in O/o District Cooperative Audit Officer, Tirupati in accordance with the procedure laid down under Rule 20 of A.P.C.S. (CC&A) Rules, 1991.

2. The substance of the imputations of misconduct or misbehavior in respect of which the inquiry is proposed to be held is set out in the enclosed statement of Article of Charges (Annexure – I & II). A list of documents by which and a list of witnesses by whom the article of charges are proposed to be sustained are also enclosed (Annexure –III & IV).

3. Sri T. Madhu, Assistant Registrar(U/s), O/o Sub-Divisional Cooperative Officer, Srikalahasti on deputation in O/o District Cooperative Audit Officer, Tirupati is directed to submit his written statement of defence within 10 days on receipt of this order.

4. Sri T. Madhu, Assistant Registrar(U/s), O/o Sub-Divisional Cooperative Officer, Srikalahasti on deputation in O/o District Cooperative Audit Officer, Tirupati is further informed that an inquiry will be held only in respect of those articles of charges that are not admitted. He should, therefore, specifically admit or deny the article of charges.

5. Sri T. Madhu, Assistant Registrar(U/s), O/o Sub-Divisional Cooperative Officer, Srikalahasti on deputation in O/o District Cooperative Audit Officer, Tirupati is further informed that if he does not submit his written statement of defence on or before the date specified in Para 3 above, further action will be proceeded based on the material available.

6. The attention of Sri T. Madhu, Assistant Registrar(U/s), O/o Sub-Divisional Cooperative Officer, Srikalahasti on deputation in O/o District Cooperative Audit Officer, Tirupati is invited to Rule 24 of the A.P.C.S (Conduct) Rules, 1964, under which no Government servant shall bring or

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attempt to bring any political or outside influence to hear upon any superior authority to further his interest in respect of matters pertaining to his service under the Government. If any representation is received on his behalf from another person in respect of any matter dealt within these proceedings it will be presumed that Sri T. Madhu, Assistant Registrar(U/s), O/o Sub-Divisional Cooperative Officer, Srikalahasti on deputation in O/o District Cooperative Audit Officer, Tirupati is aware of such representation and that it has been made at his instance and action will be taken against him for violation of Rule 24 of the A.P.C.S (Conduct) Rules, 1964.

7. The receipt of this order shall be acknowledged.

BABU A,
SECRETARY TO GOVERNMENT

To
Sri T. Madhu, Assistant Registrar(U/s),
O/o Sub-Divisional Cooperative Officer, Srikalahasti
on deputation in O/o District Cooperative Audit Officer, Tirupati.
(Through: The Commissioner for Cooperation & Registrar of Cooperative Societies, A.P., Guntur)

Copy to:
The Commissioner for Cooperation & Registrar of Cooperative Societies,
A.P., Guntur.
The Director General,
Anti-Corruption Bureau, A.P.,
Vijayawada.
SF/SC.

// FORWARDED :: BY ORDER //

K. Sampathkumar
SECTION OFFICER

ANNEXURE-I

STATEMENT OF ARTICLE OF CHARGES FRAMED AGAINST SRI TUPAKULA MADHU, ASSISTANT REGISTRAR(U/s), O/O SUB-DIVISIONAL COOPERATIVE OFFICER WORKED ON DEPUTATION IN O/O DISTRICT COOPERATIVE AUDIT OFFICE, TIRUPATI CITY & DISTRICT.

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That Sri Tupakula Madhu, age 47 years, S/o Late T.Narayana, Assistant Registrar(U/s), O/o Sub-Divisional Cooperative Officer, worked on deputation in O/o District Cooperative Audit Office, Tirupati City and District (herein after referred to as Government Servant) while functioning as such during the period between 09.07.2019 to 15.02.2023 (till date of trap) committed grave misconduct in as much as:

ARTICLE–I:

That the Government servant Sri Tupakula Madhu, Assistant Registrar(U/s), O/o Sub-Divisional Cooperative Officer, worked on deputation in O/o the District Co-operative Audit Office, Tirupati City and District in abuse of his official position has demanded and accepted a bribe amount of Rs.5,000/- on 15.02.2023 at 1.55 P.M. as illegal gratification other than legal remuneration from the Complainant Sri M.Purushotham Reddy for doing the official favour i.e. for completion of test audit of Thaduku PACS for the financial year 2021-22 without any problems to him.

Thus, the Government Servant Sri Tupakula Madhu, age 47 years, S/o Late T.Narayana, Assistant Registrar(U/s), O/o Sub-Divisional Cooperative Officer, worked on deputation in O/o District Cooperative Audit Office, Tirupati City and District by his above mentioned acts exhibited lack of integrity, devotion to duty and behaved in such a manner that his conduct unbecoming of a Government Servant and thereby violated Rule 3 (1) & (2) of A.P.C.S. (Conduct) Rules, 1964.

BABU A,
SECRETARY TO GOVERNMENT

// FORWARDED :: BY ORDER //

K. Sampath Kumar
SECTION OFFICER

ANNEXURE-II

STATEMENT OF ARTICLE OF CHARGES FRAMED AGAINST SRI TUPAKULA MADHU, ASSISTANT REGISTRAR(U/s), O/o SUB-DIVTSIONAL COOPERATIVE OFFICER, WORKED ON DEPUTATION IN O/o DISTRICT COOPERATIVE AUDIT OFFICE, TIRUPATI CITY & DISTRICT.

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Sri Tupakula Madhu, age 47 years, S/o Late T.Narayana is native of Thondavada Village & Post, Chandragiri Mandal, Tirupati District. His date of birth is 10.06.1976. He entered into Government services as Typist and worked at Chittoor District from 03.06.1996 to 29.01.2000. He got promotion as Junior Inspector and worked at O/o the District Co-Operative Audit officer, Chittoor from 29.01.2000 to 27.04.2006. He got promotion as Senior Inspector and worked in the O/o Sub-Divisional Cooperative Audit officer, Srikalahasti from 27.04.2006 to 31.08.2011. He got promotion as Assistant Registrar and worked in the Srikalahasti Cooperative Town Bank Limited as Sale Officer in Srikalahasti under F.R. 127 terms from 31.08.2011 to 20.11.2014. After he returned his mother unit and joined duty as Assistant Registrar, O/o the Sub-Divisional Cooperative Officer, Chandragiri worked from 20.11.2014 to 09.07.2019. After he transferred from Srikalahasti worked from 09.07.2019 to till the date of trap i.e., 15.02.2023. From 22.04.2022 he worked on deputation in the O/o the District Cooperative Office, Tirupati till the date of trap. His Basic Pay: Rs. 78,820/. in pay Scale of Pay: Rs.48,440/- to 1,37,220/-. He is due to retire on attaining the age of superannuation on 30.06.2038. He is herein after referred to as Government Servant (G.S).

CHARGE:

That the Government servant, Sri Tupakula Madhu, Assistant Registrar, O/o the Sub-Divisional Cooperative Officer, worked on deputation in O/o the District Co-operative Audit Office, Tirupati City and District in abuse of his official position demanded and accepted a bribe amount of Rs. 5,000/- on 15.02.2023 at 01.55 P.M. as illegal gratification other than legal remuneration from the complainant Sri M.Purushotham Reddy for doing the official favour i.e. for completion of test audit of Thaduku PACS for the financial year 2021-22 without any problems to him.

FACTS AND EVIDENECE:

On 14.02.2023 at 4-00 P.M., the Complainant Sri M.Purushotham Reddy came to the ACB office, Tirupati and gave a report to the DSP, ACB, Tirupati stating that every year after completion of financial year, the DCAO and staff are conducting the audit for our Primary Agricultural Co-operative Society. At the time of audit, they will verify the loan amounts disbursed to the farmers and recoveries from them. Audit of Thaduku PACS was conducted by Sri V.Suresh Babu, Senior Inspector, O/o the Sub-Divisional Cooperative Officer, Puttur for the financial year 2021-22 and completed. During audit, he verified the Day-books, Receipts, vouchers, minute's books, loan ledgers etc., and prepared Audit Report and obtained signatures of the complainant and president of the society. On 25.01.2023, Sri Tupakula Madhu, Assistant Registrar/ Superintendent, District Cooperative Audit Office, Tirupati called the Complainant from his Mobile No:9059436720 to the Complainant's Mobile No:9392574424 and informed that the Thaduku PACS test audit for the financial year 2021-2022, and demanded to pay mamools for smooth audit,

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otherwise he has to face the problems. He also asked him to come to DCAO office along with PACS records for Test audit. On that, the Complainant visited DCAO office, which is located on Tirupati - Renigunta road, Tirupati town and met Smt. Nagavardhana, DCAO and Sri Tupakula Madhu, Assistant Registrar on 08.02.2023 at about 11.00 AM. They instructed the Complainant to get the test audit. On 09.02.2023 at about 11.30 AM, the Complainant along with his Staff Assistant Sri P.Venu, visited the DCAO office along with the records of Thaduku PACS and met the DCAO and AO. Sri Tupakula Madhu, verified the records and asked the Complainant to wait in the Clerk's room, as he wants to talk to him. After some time, while the Complainant was waiting in the Clerk's room. Sri Tupakula Madhu came and informed that he will take care of his test audit without any problem from the DCAO and asked the Complainant to wait outside of the office. While the Complainant was waiting in the street, at about 01.00 P.M., Sri Tupakula Madhu came on his motor-bike and demanded that all are giving Rs.10,000/- for test audit, but how much he can able to give. For that the Complainant said that he is able to give Rs.5,000/-. Then, Sri Tupakula Madhu asked the Complainant when he can give that amount. The Complainant replied that he can pay within two days. Sri Tupakula Madhu agreed and went on his motor-bike. The Complainant recorded the video conversation in his redmi mobile phone. As he is not willing to pay the bribe amount, he came to the ACB office, Tirupati and gave a complaint to the DSP, ACB, Tirupati requesting to take necessary action against Sri Tupakula Madhu.

After following the due procedure, the DSP, ACB, Tirupati registered the said complaint as a case in Cr.No.01/RCT-TCT/2023 U/s 7 of Prevention of Corruption Act 1988 (as amended by Act 16 of 2018) on 15.02.2023 at 10:00 A.M. and took up investigation.

During investigation, on 15.02.2023, the DSP, ACB, Tirupati secured the presence of two mediators viz. (1) Sri Palaka Sridevi Bhaskar Rajeev and (2) Sri Dwarakacharla Sreekanth Reddy and conducted Pre-Trap proceedings on 15.02.2023 from 11.00 AM to 01.15 P.M. by the mediators incorporating all happening during the Pre-Trap proceedings i.e. ascertained the facts of the complaint from the Complainant and found the same as genuine, noted serial numbers of the currency notes produced by the Complainant proposed to be paid as bribe Rs.5,000/- (500x10), demonstrated the chemical test & explaining its importance, listened to voice conversations of memory-card produced by the Complainant pertaining to the demand of bribe by the Government servant Sri Tupakula Madhu and the DSP instructed the Complainant to pay the bribe amount of Rs.5,000/- to the Government servant on his further demand only and to give pre-arranged signal on acceptance of bribe amount. Then, the trap party proceeded to the Avilala Junction, Tirupati and took vantage positions.

On 15.02.2023 at 01.55 P.M., the Government Servant was successfully trapped by the ACB officials when he further demanded and accepted the bribe amount of Rs.5,000/- from the Complainant for showing the above said official favour. The chemical tests conducted on both hand fingers of the Government servant yielded positive results. The tainted currency notes were recovered from the possession of the Government servant from the fuel tank cover of his Motor Cycle. The serial numbers of currency notes were tallied with serial numbers of the currency notes mentioned in Pre-Trap proceedings and found them tallied. The DSP, ACB, secured the resultant solutions into two separate bottles and the tainted currency notes of the Government Servant, sealed and affixed labels and seized them under the cover of Post-Trap proceedings on 15.09.2022 at 15.30 hours to 10.45 hrs on 16.02.2023.

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After completion of Post-Trap proceedings at the R.C.Puram Junction at 15.00 hours on 15.02.2023, the DSP, ACB, Tirupati along with his staff and the mediators along with the Complainant left the R.C.Puram Junction at 15.00 hours and reached the office of District Cooperative Audit Officer, Kennedy Nagar, Tirupati at 15.20 hours. By the time, they reached District Cooperative Audit Officer, Tirupati. The DSP instructed the Complainant to wait in the verandah in-front of the office till he is called back.

Then, the DSP asked Sri Tupakula Madhu to produce the official favour file i.e., the records pertaining to the Test Audit of Thaduku PACS, Puttur Mandal. On that Sri Tupakula Madhu kept silent.

Then the DSP asked the Smt S.V.Nagavardhana, DCAO about the process of Test Audit conducted on PACS, Thaduku. She stated that, there are 60 PACSs in Tirupati District, for schedule of Final Audit of PACS was given on 23.04.2022 and also listed out 25 PACSs for Test Audit for the year 2021-22. Final audit of Thaduku PACS was conducted by Sri V.Suresh Babu, Senior Inspector, O/o the Sub-Divisional Cooperative Officer, Puttur commenced on 29.08.2022 and completed as per diary of Senior Inspector. On receipt of the above, Final Audit report in 4 copies, she being the DCAO issued Audit Certificate of Thaduku PACS affixing her signature and the signature of Sri Tupakula Madhu in page No.9 and also they both signed in Page No.24 on the Defect sheet of Final Audit Report of Thaduku PACS 2021-22. With regard to the Test audit pertaining to Thaduku PACS, secured the Cash books, Vouchers and Receipt Books from the CEO, Thaduku PACS through Sri Tupakula Madhu, Assistant Registrar on 09.02.2023 and completed the Test audit, but put the signature on the Cash Books with the date of 31.08.2022 since the Chief Auditor/Additional Register, CC&RCS (Commissioner for Cooperation & Registrar of Cooperative Societies) office, Guntur issued instructions to complete the audit reports by the end of August, 2022. Further, she stated that the test audit of Thaduku PACS was conducted by her with the assistance of Sri Tupakula Madhu, Assistant Registrar on 09.02.2023 in which she wrote about conducting of test audit for the financial year 2021-22 in Cash Book of Thaduku PACS for 2021-22 and the same matter in the Cash Book of Thaduku PACS for 2022-23 with the date on 31.08.2022. In the above test audit report, Sri T.Madhu verified the vouchers of the Receipt books details with that of the entries found in the Day Books/Cash Books and he put his tick marks in red ink on some of the vouchers/receipt books and likewise, she made her tick marks in green ink on some of the vouchers and Receipt Books and after completion of the test audit, she handed over the concerned records i.e., Day Books/Cash Books, Receipt Books and Vouchers of Thaduku PACS to Sri T.Madhu (AO), Assistant Registrar in order to return them to Sri M.Purushotham Reddy, CEO, Thaduku PACS.

Further, the DSP enquired the Junior Inspector and Junior Assistant and Office Subordinate about the Day books, vouchers of Thaduku PACS for which they kept silent. As such, the DSP instructed the Inspectors Sri R.Prathap Reddy and Sri M.Eshwar and staff to search in the office for the official favour file. They searched in the record room in which the Junior Inspector and Junior Assistant are attending the duties and found two registers. 18 Receipt books and one file containing vouchers on the RCC Attic attached to the Southern side wall. On perusal of the two registers by the DSP, they are;

1. Cash Book/Day Book of Thaduku PACS for 2021-2022: it is maintained from 01.04.2021 to 31.03.2022 in which the DCAO wrote about

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conducting of Test audit for the financial year 2021-22 and affixing her signature and seal in page No.118 as a mark of Test audit conducted by the DCAO on Thaduku PACS. The DSP got the Photostat copies of the above register front cover page and page No's.1 and 118 (3 sheets).

2. Cash Book/Day Book of Thaduku PACS for 2022-2023: it is maintained from 01.04.2022 to 27.12.2022 at page No.38 in which the DCAO wrote about conducting of Test audit for the financial year 2022-23 and affixing her signature and seal in page No.38 as a mark of Test audit conducted by the DCAO on Thaduku PACS with date 31.08.2022. The DSP got the Photostat copies of the above register front cover page and page Nos.1 and 38 (3 sheets).
3. Receipt Books: They are 18 books maintained for the receipt of the cash from the farmers from 01.04.2021 to 31.03.2022. On some of the receipts, found red and green ink tick marks as marks of verification by Sri Tupakula Madhu and DCAO respectively.
4. Vouchers: it is bunch of vouchers for the cash remittance to the Co-operative Bank, Puttur and also expenditure incurred to the PACS for General Body meetings etc. The vouchers are pertaining to the period from 01.04.2021 to 31.03.2022. On some of the vouchers, found red and green ink tick marks as a mark of verification by Sri Tupakula Madhu and DCAO respectively.

Then the DSP seized the above Photostat copies containing 6 sheets duly attested by the mediators, DCAO and the DSP. Further, the DSP handed over all the above four items to the DCAO with instructions to hand over them to the Complainant for further maintenance.

Then the DSP, ACB, called the Complainant and asked him to narrate as to what happened after he left the trap party at 13.45 hrs. Upon that he stated that after alighting ACB vehicle, he went to R.C.Purram junction and laid in wait at the northern side road margin for the arrival of Sri T.Madhu, Assistant Registrar. At about 13.49 hours, he received call from Sri T.Madhu who enquired him about his presence and he replied that he is present at Pachikapalam road. Upon that Sri T.Madhu asked him to stay there and he is coming there. At about 13.52 hours, the said Sri T.Madhu came to him on his motor cycle and by seeing him stopped the motor cycle at the Northern side road margin at a distance of 50 feet from the junction point. On his arrival, he enquired Sri T.Madhu about the status of the Test audit report and requested to help him. On that Sri T.Madhu assured him that "nothing will happen to you" and by saying so demanded to pay the bribe amount. On that he took the tainted currency notes from his pants right pocket with his right hand and gave the amount to Sri T.Madhu who received it with his right hand by sitting on the motor cycle and kept the same in the open pocket of the top cover of the fuel tank cover with the help of his left hand. Then he gave the pre-arranged trap signal to Sri G.Ramesh by way of wiping his face twice with his hand kerchief.

Then the DSP confronted the Government Servant with the version of the Complainant for which the Government Servant stated that he had taken the amount of Rs.5,000/- from Sri M.Purushotham Reddy, not as bribe, but as good will amount for helping him in Test audit report of Thaduku PACS. On that the Complainant stated that the version of the Government Servant is not correct and he gave the amount of Rs. 5,000/- to the Government Servant on his demand only as bribe and not otherwise.

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When the DSP asked the Government Servant to explain as to what happened prior to the arrival of ACB officials, he stated that while he was going to his Office on his motor cycle and by seeing the Complainant stopped the motor cycle at the Northern side road margin at a distance of 50 feet from the junction point, Avilala, Tirupati at about 13.52 hours today i.e. on 15.02.2023, the Complainant came to him and gave an amount of Rs. 5,000/- to him and went way. So saying, he took out wad of currency notes of Rs.500/- denomination from pocket of the top cover of the fuel tank cover and produced the same before the mediators. When the DSP, ACB asked him why he had taken Rs. 5,000/- from the Complainant, he kept silent.

The DSP, ACB examined (1) Smt. S. V. Nagavardhana, DCAO, Tirupati District, (2) Sri M. A. Kodandarama, Junior Inspector, (3) Sri N. Mujeeb, Junior Assistant, (4) Sri Sanjeevigari Subramanyam, Office Sub-ordinate and (5) Sri Kambam Srinivas, Weaver, who were present at the scene of offence at the time of trap and incorporated their statements in detail in the post trap proceedings.

During the course of investigation the DSP, ACB collected the following records in support of the Article of Charges framed against the Government Servant.

1. Complaint dated:15.02.2023 given by the Complainant:
2. F.I.R in Cr.No.01/RCT-TCT/2023, dated:15.02.2023.
3. Pre-Trap Proceedings drafted in the Office of Addl. Superintendent of Police, ACB, Tirupati.

4. Post-Trap Proceedings drafted in the office hall of the District C-operative Audit Officer (DCAO), D.No.19-3-21, Kennedy Nagar, Tirupati City and District.

5. Attested copies of Attendance Register pages for the year 2023: 2 sheets for the months of January & February-2023.

6. Photostat copies of Cash Book/Day Book of Thaduku PACS for 2021-2022: it is maintained from 01.04.2021 to 31.03.2022 in which the DCAO wrote about conducting of Test audit for the financial year 2021-22 and affixing her signature and seal in page No.118 as a mark of Test audit conducted by the DCAO on Thaduku PACS.(Register front cover page, page Nos.1 & 118 total 2 sheets).

7. Photostat copies of Cash Book/Day Book of Thaduku PACS for 2022-2023: it is maintained from 01.04.2022 to 27.12.2022 at page No.38 in which the DCAO wrote about conducting of Test audit for the financial year 2022-23 and affixing her signature and seal in page No.38 as a mark of Test audit conducted by the DCAO on Thaduku PACS with date 31.08.2022. (Register front cover page, page Nos.1 and 38 total 2 sheets).

8. Original Spiral book of Individual Chart for the year 2021-22: it is having the allotment of audit schedule for aided societies (PACS) and un-aided societies like Cooperative House Building Societies, Fishermen and Fisherwomen Cooperative Societies and Toddy Tappers Cooperative Society, Labour Contract Cooperative Societies, Washermen and Washerwomen Co operative Societies, Consumers Cooperative Societies, Handloom Weavers Cooperative Societies and etc. It contains 70 sheets in which Thaduku PACS schedule is mentioned at Sheet No.34 (70 Sheets).
9. Original copy of List of Cooperative Societies selected for Test audit for the year 2021-22: it contains the list of 25 PACSs for test audit in which Thaduku PACS is in serial number 16 allotted by the DCAO. (2 sheets).

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10. Original copy of Memorandum in Rc.No.2/2022-C, dated:04.04.2022 of the District Cooperative Audit Officer, Tirupati: it contains the work allotment of Sri T.Madhu, Assistant Registrar and in-charge Assistant Registrar of DCAO, Tirupati for preparation of audit programme for the year 2021-22 and to check up aided and unaided Cooperative Societies for the year 2021-22 after receiving the audit reports from the auditors and to put up before the DCAO, Tirupati for the issue of audit certificate (1 sheet).

11. Original copies of Tour Diaries of Smt S.V.Nagavardana, DCAO, Tirupati for the months of May, 2022 to October, 2022: it contains the Tour Diary of DCAO regarding the work done during the months from April, 2022 to October, 2022. On perusal of the Tour Diary of the DCAO for 31.08.2022, she mentioned it as present in Headquarters and availed Public holiday (Vinayaka Chavithi), whereas she put her signature with date 31.08.2022 in Cash Book/Day Book of Thaduku PACS as if she conducted Test Audit of Thaduku PACS on 31.08.2022. (7 sheets).

12. Original Tour Diaries of Sri T.Madhu, Assistant Registrar, Tirupati from January 2022 to January 2023 : it contains the Tour Diary of A.O. regarding the work done during the months from January, 2022 to January, 2023. On perusal of the Tour Diary of the A.R. of Sri Tupakula Madhu for 31.08.2022, he mentioned it as he visited Mallam PACS, Srikalahasti and conducted audit for the year 2021-22, whereas he put his red ink tick marks in vouchers, Receipt books and Cash Books/Day Books of Thaduku PACS as if he assisted the DCAO in conducting the Test Audit of Thaduku PACS on 31.08.2022(25 sheets).

13. Statement of the Complainant recorded u/s 164 Cr.P.C :

14. Letter No. RC No.255/2023 A, dated:15.03.2023 of the Divisional Cooperative Officer, Tirupati. It furnishes the service particulars of Sri T.Madhu.

15. Certificate U/s 65B of IEA issued by the Complainant.

Thus, the charge against the Government servant that he demanded and accepted a bribe amount of Rs.5,000/- from the complainant for showing official favour is held substantiated.

Thus, the Government servant, Sri Tupakula Madhu, age 47 years, S/o Late T.Narayana, Assistant Registrar, O/o the Sub-Divisional Cooperative Officer, worked on deputation in O/o the District Cooperative Audit Office, Tirupati City and District by his above mentioned acts has exhibited lack of integrity, devotion to duty and behaved in such a manner that his conduct unbecoming of a Government servant and thereby violated Rule 3(1) (2) of A.P.C.S.(Conduct) Rules, 1964.

Thus, the Government servant Sri Tupakula Madhu, age 47 years, S/o Late T.Narayana, Assistant Registrar, O/o the Sub-Divisional Cooperative Officer, worked on deputation in O/o the District Cooperative Audit Office, Tirupati City and District rendered himself liable for regular departmental inquiry for major penalty under Rule 20 of A.P.C.S. (CC&A) Rules, 1991.

BABU A,
SECRETARY TO GOVERNMENT

// FORWARDED :: BY ORDER //

K. Sampath Kumar
SECTION OFFICER

(P.T.O..10)

ANNEXURE-III

ORAL EVIDENCE:

The following oral evidence is available on record.

LW.1: Statement of Sri Muddukuppam Purushotham Reddy, Age 59 years, S/o Late Krishna Reddy, CEO, Thaduku PACS, R/o Paidipalli Village, Puttur Mandal, Tirupati District. Phone Nos. 9491313095, 9392574424.

He speaks to the facts, he is the Complainant and the contents of his complaint dated:15.02.2023, contents of Pre & Post-Trap Proceedings, dated:15.02.2023 to the extent concerning to him, his statement was recorded u/s 164 Cr.P.C by the IV Addl. Junior Civil Judge-cum-Judicial Magistrate of 1st Class, Tirupati on 04.03.2023 as well as his statement recorded U/s 161 Cr.P.C and etc. facts.

LW.2: Sri Palaka Sridevi Bhaskar Rajeev, S/o P.Bhaskaraiah, age 43 years, Assistant Executive Engineer (AEE), Irrigation Section, S.R.Puram under Irrigation Division, Tirupati, R/o Flat No.203, 1st floor, Sneha Apartment, Santhi Nagar, Tirupati, N/o D.No.1-52, Nagireddypalli, Akanambattu Post, Puthalapattu Mandal, Chittoor District. Mobile Nos:9885877840 (O), 8328517926 (P).

He speaks to the facts that he is the first Mediator and speaks about the contents of Pre & Post-Trap Proceedings, dated:15.02.2023.

LW.3: Sri Dwarakacharla Sreekanth Reddy, S/o D.Rani Reddy, Age 24 years, Junior Assistant, O/o Executive Engineer, Irrigation Division, Tirupati, R/o D.No.8-3-300/A, New street, Tirupati, N/o D.No.5/107-3, Sriram Nagar, Mydukur Town & Mandal, YSR Kadapa District, Mobile No: 9908857053 (P).

He speaks to the facts, he is the second Mediator and speaks about the contents of Pre & Post-Trap Proceedings, dated:15.02.2023.

LW-4: Sri Pala Venu, Age 56 years, S/o Late P. Ramaiah Mandadi, D.No.22-8-68/1 A2, 4th Cross, Srinagar Colony, Sathyanarayanapuram, Tirupati Town & District, Phone No:9642753729.

He speaks to the facts, he is working as Accountant in Taduku Village Primary Agricultural Credit Society Limited, Puttur Mandal. Mr. M. Purushotham Reddy is working as the CEO in Taduku PACS, Puttur Mandal. Our PACS is audited by the District Cooperative Audit Officer and their staff after the end of every financial year. At the time of audit, how much amount was given to farmers loan and repaid their loans from the Cooperative Bank. The related receipts will be examined. Accordingly, Mr. V. Suresh Babu, Senior Inspector, Cooperative Society, Puttur audited our Taduku Village PACS in the month of August, 2022 in connection with the audit of the financial year 2021-22. During the audit, the day-books, receipts, vouchers, minute books, loan ledgers, etc. of our PACS were checked and he prepared an audit report which was signed by our CEO and our PACS President. Later T. Madhu, an Assistant Registrar/Superintendent working in the office of the District Co-operative Audit Officer in Tirupati, called our CEO Sri Purushotham Reddy on 25.01.2023 and said that there is Thaduku PACS test audit for the year 2021-22. He said that there will be trouble or else will get Thaduku PACS records and come to Tirupati DCAO office for Test audit. Further, he corroborated the version of the Complainant in all aspects.

(Contind..11)

LW-5: Smt. Samaturu Venkata Nagavardana, Age 58 years, W/o G. Nagaraja, R/o D.No.19-45-S5-107, Hathiramji Colony, Tirupati & District, Mobile Nos: 9491844990 (P), 9100109219 (O).

She speaks to the facts, she is working in the O/o DCAO, Tirupati from 04.04.2022. She joined in the Cooperative Department as Cooperative Sub-Registrar in the year 1996. She was promoted as Deputy Register in the year 2007 and worked as APO (Assistant Project Officer), DRDA, Chittoor. She is supervising Audit reports conducted by the Senior Inspectors and conducting Test audits on the selected PACS. Sri T.Madhu, Assistant Registrar is working in the office since 04.04.2022 and he is looking of scrutiny work of audit reports and Test audits and also assisting her in auditing the audit reports etc., facts.

LW-6: Sri Madyam Avula Kodandaram, Age 52 years, S/o Late M.Chinnappa Gowda. R/o near Saibaba Temple, Pudipatla Village, Tirupati Rural Mandal, N/o Kurapalli Village, Reddigunta Post, Chittoor, working as Junior Inspector, District Cooperative Audit Office, Tirupati, Mobile No:9701132690.

He speaks to the facts, he is working in the O/o DCAO, Tirupati since 01.07.2022. He joined in the department as Office Sub-ordinate on 24.03.2003. Promoted as Junior Assistant on 28.09.2009 and as Junior Inspector on 29.08.2016 and worked. Now, he is allotted with the works of establishment matters, leaves, RTI Act, Pay and TA bills, maintenance of Acknow!edgement register and other admin matters and etc., facts.

LW-7: Sri Nazeer Muzeeb, Age 48 years, S/o Late R. Nazeer, D.No.15-1050. Vinayakapuram, Chittoor, now working as Junior Assistant, District Cooperative Audit Office, Tirupati Mobile No:9966741232.

He speaks to the facts, he stated that he is working in the O/o DCAO, Tirupati since 04.04.2022. He joined in the department as Office Sub-ordinate on 10.12.1992. Promoted as Junior Assistant in the month of August, 2004 and worked at Valimikipuram and Chittoor. Now, he is attending the works Tapal distribution, maintenance of records rooms maintenance of tour diaries, DCB (Demand, Collection & Balance) registers, registration of final audit reports received from the auditors, receiving audit reports and etc. facts.

LW-8: Sri Sanjeevigari Subramanyam, Age 50 years, S/o Late Sanjeevi, Office Sub-ordinate, R/o Near R.K. Kalyana Mandapam, Tiruchanur, Tirupati Rural Mandal. N/o Eguva Reddivaripalli Village, Chandragiri Mandal, Mobile No: 9291626764.

He speaks to the facts, he stated that he is working in the O/o DCAO, Tirupati since 01.07.2022. He joined in the department as Office Sub-ordinate on 03.05.1993 and worked at Chittoor and Tirupati. Now, he is attending the works entrusted by the office staff and etc. facts.

LW-9: Sri Madhuranthakam Kesavulu, Age 53 years, S/o K. Neelakanta Pillai, R/o D.No.20-244, Ragimanu Street, Mittur, Chittoor, working as Senior Inspector, District Cooperative Audit Office, Tirupati, Mobile No:9441642841.

He speaks to the facts, he stated that he is a Senior Inspector and worked in District Cooperative Audit Office from 04.04.2022. Mr. T. Madhu, Assistant Registrar /Superintendent is working in his District Cooperative Audit Office from 22.04.2022 on deputation from Sub-Divisional Cooperative office, Srikalahasti. His Cooperative District Audit Officer and staff conducts audit after the end of every financial year. At the time of audit, how much amount was given in form of loan and repaid to the farmers from the Cooperative Bank and

(P.T.O..12)

the related receipts are examined. Accordingly, Mr. V. Suresh Babu, Senior Inspector, Cooperative Society, Puttur audited Taduku Village PACS in the month of August 2022 in connection with the audit of the financial year 2021-22. He called the DCAO madam on 16.02.2023 morning at around 04-00 A.M. Tirupati Divisional Cooperative Officer Mr. Ravi Babu, who is above his office called and said that ACB officials came to his office on 15.02.2023. Sri T.Madhu had taken bribe from Sri M. Purushotharn Reddy, CEO, PACS, Thaduku and that he will do the test audit for PACS without any problems and for the test audit and etc. facts.

LW-10: Sri Puram Ravi Babu, Age 57 years, S/o Late P. Rajamani Chetty, R/o 4th Cross, Padmananda Nagar, Kotramangalam Road, Tiruchanur, Tirupati Rural Mandal, working as Asst. Registrar, Divisional Cooperative Officer, Tirupati, Mobile No:97045 14568 (P).

He speaks to the facts, he stated that he is a Divisional Cooperative Officer, Tirupati since 11-08-2022. Mr. T.Madhu, Assistant Registrar/ Superintendent working in District Cooperative Audit office on deputation from Sub-Divisional Cooperative office, Srikalahasti from 22.04.2022. As usual, on 15.02.2023, while he was on duty at hisr Divisional Cooperative office, around 03-20 PM, he came down knowing that Tirupati ACB officials had come to the District Cooperative Audit office under his office. As per inquiry our Cooperative District Audit Officer and staff conducts audit after the end of every financial year. Work on deputation as Assistant Registrar T.Madhu said that he would do a test audit to Taduku PACS without any problems and asked Taduku CEO Sri M. Purushottam Reddy for a bribe of Rs.5,000/- for the test audit. It is learned that while T. Madhu was giving it to the Assistant Registrar, the ACB officials caught him and came to the DCAO office. After that he informed the matter to Mr. M. Kesavulu. Senior Inspector on 16.02.2023 at about 04-00 A.M. and etc. facts.

LW.11: The Hon'ble IV Addl. Junior Civil Judge-Cum-Judicial Magistrate of 1st Class, Tirupati:

He speaks to the facts of recording the statement of the Complainant Sri M. Purushotham Reddy, U/s. 164 Cr.P.C. on 04-03-2023 and etc. facts.

LW.12: The Nodal Officer LEA, LI AP Circle, BSNL Bhavan, Chuttugunta, Vijayawada.

He speaks to the facts of furnishing the CDRs of the Complainant for issuing Certificate under S.65-B IE Act and CAFs of the complainant and etc. facts.

LW.13: The Nodal Officer, Reliance JIO Info comm. Ltd, KPR Tower, 2nd Floor, Above Reliance Trends Showroom, Benz Circle, Vijayawada, Andhra Pradesh – 520010.

He speaks to the facts of furnishing the CDRs of the AO for issuing Certificate under S.65-B of IE Act and CAFs of the AO and etc. facts.

LW.14: Sri K. Janardhana Naidu, DSP, ACB, Tirupati Range, Tirupati.

He speaks about the facts of Registration of FIR, organizing the Pre & Post Trap Proceedings on 1.02.2023 along with two Mediators and ACB officials, recorded the statements of the Complainant U/s 161 (3) Cr.P.C., and his requisition to Hon'ble Court of the Hon'ble TV Addl. Junior Civil Judge-Cum-Judicial Magistrate of 1st Class, Tirupati to record the statements the complainant U/s 164 Cr.P.C. etc facts.

(Contind..13)

LW.15: Sri B. Suneel Kumar, Inspector of Police, ACB, Tirupati Range, Tirupati.

He speaks about the facts of his further investigation in this case i.e., receipt of Call Data Records (CDRs) and recorded the statements of LWs.5 to 9 and submission of DFR to the Head Office and etc. facts.

If any other witness is found necessary will be produced at the time of inquiry.

BABU A,
SECRETARY TO GOVERNMENT

// FORWARDED :: BY ORDER //

SECTION OFFICER

ANNEXURE-IV

DOCUMENTARY EVIDENCE:-

1. Complaint dated:15.02.2023 given by the Complainant:

It reveals the facts of the demand of bribe amount of Rs.5,000/- by the A.O. for doing an official favour pending with him.

2. F.I.R in Cr.No.01/RCT-TCT/2023, dated:15-02-2023.

It reveals that a report was received from the Complainant with regard to demand of bribe and registration of the case against the A.O.

3. Pre-Trap Proceedings drafted in the Office of Additional Superintendent of Police, ACB, Tirupati: it reveals the actual happenings of the Pre-Trap Proceedings, dated:15.02.2023.

4. Post-Trap Proceedings drafted in the office hall of the District Co-operative Audit Officer (DCAO), D.No.19-3-21, Kennedy Nagar, Tirupati City and District: It reveals the actual happenings of the Post-Trap Proceedings dated:15.02.2023.

5. Attested copies of Attendance Register pages for the year 2023: 2 sheets for the months of January & February-2023.

6. Photostat copies of Cash Book/Day Book of Thaduku PACS for 2021-2022: it is maintained from 01.04.2021 to 31.03.2022 in which the DCAO wrote about conducting of Test audit for the financial year 2021-22 and affixing her signature and seal in page No.118 as a mark of Test audit conducted by the DCAO on Thaduku PACS. (Register front cover page, page Nos. 1 & 118 total 2 sheets).

7. Photostat copies of Cash Book/Day Book of Thaduku PACS for 2022-2023: it is maintained from 01.04.2022 to 27.12.2022 at page No.38 in which the DCAO wrote about conducting of Test audit for the financial year 2022-23 and affixing her signature and seal in page No.38 as a mark of Test audit conducted by the DCAO on Thaduku PACS with date 31.08.2022. (Register front cover page, page Nos.1 and 38 total 2 sheets).

8. Original Spiral book of Individual Chart for the year 2021-22: it is having the allotment of audit schedule for aided societies (PACS) and un-aided societies LikeCo-operative House Building societies, Fishermen and Fisherwomen Cooperative Societies and Toddy tappers. Cooperative Society, Labour Contract Cooperative societies, Washermen and Washerwomen Cooperative Societies, Consumers Co-operative Societies, Handloom weavers Co-operative Societies and etc. It contains 70 sheets in which Thaduku PACS schedule is mentioned at Sheet No.34 (70 Sheets).

9. Original copy of List of Cooperative Societies selected for Test audit for the year 2021-22: it contains the list of 25 PACSs for test audit in which Thaduku PACS is in serial number 16 allotted by the DCAO.(2 sheets).

10. Original copy of Memorandum in Rc.No.2/2022-C, dated:04.04.2022 of the District Cooperative Audit Officer, Tirupati: it contains the work allotment of Sri T.Madhu, Assistant Registrar and in-charge Assistant Registrar of DCAO, Tirupati for preparation of audit programme for the year 2021-22 and to check up aided and unaided CooperativeSocieties for the year 2021-22 after receiving the audit reports from the auditors and to put up before the DCAO, Tirupati for the issue of audit certificate (1 sheet).

(Contind..15)

11. Original copies of Tour Diaries of Smt. S.V.Ndgavardana, DCAO, Tirupati for the months of May, 2022 to October, 2022: it contains the Tour Diary of DCAO regarding the work done during the months from April, 2022 to October, 2022. On perusal of the tour diary of the DCAO for 31.08.2022, she mentioned it as present in Headquarters and availed Public Holiday (Vinayaka Chavithi), whereas she put her signature with date 31.08.2022 in Cash Book/Day Book of Thaduku PACS as if she conducted Test Audit of Thaduku PACS on 31.08.2022. (7 sheets).

12. Original Tour Diaries of Sri T.Madhu, Assistant Registrar, Tirupati from January. 2022 to January, 2023 : it contains the Tour Diary of A.O. regarding the work done during the months from January, 2022 to January, 2023. On perusal of the Tour Diary of the A.R. (A.O.) for 31.08.2022. he mentioned it as he visited Mallam PACS, Srikalahasti and conducted audit for the year 2021-22, whereas he put his red ink tick marks in vouchers, Receipt books and Cash Books/Day Books of Thaduku PACS as if he assisted the DCAO in conducting the Test Audit of Thaduku PACS on 31.08.2022.(25 sheets).

13. Statement of the Complainant recorded u/s 164 Cr.P.C:

The Complainant Sri M.Purushotham Reddy, S/o late M. Krishna Reddy, age 59 years, Chief Executive Officer (CEO), Thaduku PACS, Puttur Mandal, R/o Paidipalli Village, Puttur Mandal, Tirupati District was recorded u/s 164 Cr.P.C by the Hon'ble IV Additional JFCM, Tirupati on 04.03.2023 and he fared well about the demand and acceptance of bribe by the A.O..

14. Letter No, RC No.255/2023 A, dated:15.03.2023 of the Divisional Cooperative Officer, Tirupati. It furnishes the service particulars of the A.O..

15. Certificate U/s 65B of IEA issued by the Complainant.

It was issued by the Complainant stating that (i) he got the audio record pertaining to the conversation of demand of bribe by the A.O. which was video recorded in his cell phone and he transferred the same to the Translink Micro SD HC 4 memory card and (ii) he also got the 5 audio record pertaining to the A.O. for collection of bribe which was recorded in his cell phone and he transferred the same on to the Translink 4 01/23 memory card.

If any other document is found, necessary will be produced at the time of inquiry.

BABU A,
SECRETARY TO GOVERNMENT

// FORWARDED :: BY ORDER //

SECTION OFFICER

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